UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

JONATHAN R. HIERL,

       Plaintiff,

    -vs-

                              Case No. 13-C-264

THE MAREK GROUP, Inc.,

       Defendant.

DECISION AND ORDER

       The Marek Group simultaneously moved for judgment on the pleadings and to stay discovery. When a motion to dismiss is filed prior to the beginning of discovery, the Court's typical practice is to institute a "de facto" stay by not directing the parties to "meet and confer" as required by Federal Rule of Civil Procedure 26(f) until after the Court resolves the motion (and obviously, only if the motion is denied). *See, e.g., Centrifugal Acquisition Corp., Inc. v. Moon,* No. 09-C-327, 2009 WL 1249294, at *1 (E.D. Wis. May 6, 2009) ("The time to meet and confer is still to come, so CAC may not commence discovery without consent of the defendants or an order from the Court").

       In this case, the defendant answered the complaint, so the Court issued its standard letter directing the parties to meet and confer in advance of a scheduling conference pursuant to Federal Rule of Civil Procedure 16(b). Then, the defendant moved for judgment on the pleadings before the scheduling conference took place.

Accordingly, the procedural posture of this case is essentially the same as it is in any case in which the Court simply withholds its authorization for discovery to commence. When, as here, a motion to dismiss could either obviate the need for discovery or narrow the issues for discovery, the Court finds that there is good cause to delay discovery until the Court rules on the pending motion, particularly when discovery has yet to begin. Fed. R. Civ. P. 26(c). A few months of delay will not do significant harm to the plaintiff's interest in the pursuit of relief for his claims.

Therefore, the motion to stay [ECF No. 11] is **GRANTED**. The July 9, 2013 scheduling conference is **CANCELED.**

Dated at Milwaukee, Wisconsin, this 27th day of June, 2013.

BY THE COURT:

_____
HON. RUDOLPH T. RANDA
U.S. District Judge